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DEPARTMENT OF COMMERCE

International Trade Administration

A-475-818

Certain Pasta from Italy: Preliminary Results of Antidumping Duty Administrative Review; 2014-2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain pasta (pasta) from Italy, covering the period July 1, 2014, through June 30, 2015. The initiation of the instant review covered 31 companies, and we have partially rescinded the review with respect to nine companies, as discussed below. Thus, this review covers two mandatory respondents, Industria Alimentare Colavita S.p.A. (Indalco) and Liguori Pastificio Dal 1820 (Liguori), and 19 non-selected companies. We preliminarily determine that Indalco and Liguori made sales of subject merchandise at less than normal value during the period of review (POR). Interested parties are invited to comment on these preliminary results.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Joy Zhang or George McMahon, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1168 or (202) 482-1167, respectively.

Background

On September 2, 2015, the Department published a notice of initiation of an administrative review of the antidumping order on pasta from Italy.¹ On December 24, 2015, the Department rescinded the instant review, in part, with respect to La Molisana SpA., Pasta Lensi S.r.L., Pastificio Andalini S.p.A., Azienda Agricola Casina Rossa di De Laurentiis Nicola, Pastificio Bolognese of Angelo R. Dicuonzo, I Sapori dell'Arca S.r.l., La Romagna S.r.l., Ser.com.snc, and Vero Lucano S.r.l.²

As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department exercised its discretion to toll all administrative deadlines due to a closure of the Federal Government. As a result, the revised deadline for the preliminary results of this review was April 7, 2016.³ On March 17, 2016, the Department extended the deadline for the preliminary results to August 5, 2016.

Scope of the Order

Imports covered by the order are shipments of certain non-egg dry pasta. The merchandise subject to review is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 80 FR 53106 (September 2, 2015) (*Initiation Notice*).

² See *Certain Pasta From Italy: Notice of Partial Rescission of Antidumping Duty Administrative Review*, 80 FR 80320 (December 24, 2015).

³ See Memorandum to the Record from Ron Lorentzen, Acting Assistant Secretary for Enforcement & Compliance, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm 'Jonas,'" dated January 27, 2016. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.

of the merchandise subject to the order is dispositive.⁴

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price or export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary results, *see* Preliminary Decision Memorandum dated concurrently with this notice and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

⁴For a full description of the scope of the order, *see* the "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Pasta from Italy; 2014-2015," from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (Preliminary Decision Memorandum).

Preliminary Results of the Review

As a result of this review, the Department calculated a weighted-average dumping margin of 2.14 percent for Indalco and 5.74 percent for Liguori for the period July 1, 2014, through June 30, 2015. Therefore, in accordance with section 735(c)(5)(A) of the Act, the Department assigned the weighted-average of these two calculated weighted-average dumping margins, 3.19 percent, to the 19 non-selected companies in these preliminary results, as referenced below.⁵

Producer and/or Exporter	Weighted-Average Dumping Margin (percent)
Industria Alimentare Colavita S.p.A. (Indalco)	2.14
Liguori Pastificio Dal 1820 (Liguori) ⁶	5.74
Agritalia S.r.L. (Agritalia)	3.19
Atar S.r.L. (Atar)	3.19
Corticella Molini e Pastifici S.p.A. (Corticella)	3.19
Delverde Industrie Alimentari S.p.A. (Delverde)	3.19
Domenico Paone fu Erasmo S.p.A. (Domenico)	3.19
F. Divella S.p. A. (F. Divella)	3.19
La Fabbrica della Pasta di Gragnano S.a.s. di Antonio Moccia (La Fabbrica)	3.19
Molino e Pastificio Tomasello S.r.L. (Tomasello)	3.19
P.A.P SNC DI Pazienza G.B. & C. (P.A.P)	3.19
Pasta Zara S.p.A. (Pasta Zara)	3.19
Pastificio Carmine Russo S.p.A. (Carmine)	3.19
Pastificio DiMartino Gaetano & F. Ili S.r.L. (DiMartino)	3.19

⁵ The rate applied to the non-selected companies is a weighted-average percentage margin calculated based on the publicly-ranged U.S. volumes of the two reviewed companies with an affirmative dumping margin, for the period July 1, 2014, through June 30, 2015. See Memorandum to the File titled, "Certain Pasta from Italy: Margin for Respondents Not Selected for Individual Examination," dated concurrently with this notice.

⁶ The Department previously found that Liguori and PAM are affiliated and calculated a margin for the consolidated entity. See, e.g., *Notice of Preliminary Results And Partial Rescission Of Antidumping Duty Administrative Review And Intent To Revoke The Antidumping Duty Order In Part*, 66 FR 34414 (June 28, 2001) unchanged in *Notice of Final Results of Antidumping Duty Administrative Review, Partial Rescission of Antidumping Duty Administrative Review and Revocation of Antidumping Duty Order in Part: Certain Pasta From Italy*, 67 FR 300 (January 3, 2002). In the instant review, Liguori reported that PAM ceased its operations as of October 24, 2014, and that PAM did not make any sales of subject merchandise to the United States during the POR. See Liguori's Section A questionnaire response dated December 4, 2015 at 2. We intend to follow-up with Customs and Border Protection (CBP) concerning Liguori's statement subsequent to these preliminary results and to allow interested parties an opportunity to comment on any information received from CBP. Therefore, for purposes of these preliminary results, we have preliminarily assigned PAM the same rate as Liguori, rather than making a preliminary no shipments determination with respect to PAM.

Pastificio Fabianelli S.p.A. (Fabianelli)	3.19
Pastificio Felicetti S.r. L. (Felicetti)	3.19
Pastificio Labor S.r.L. (Labor)	3.19
Pastificio Riscossa F. Ili Mastromauro S.p.A. (AKA Pastificio Riscossa F. Ili. Mastromauro S.r.L.) (Riscossa)	3.19
Poiatti S.p.A. (Poiatti)	3.19
Premiato Pastificio Afreltra S.r. L. (Premiato)	3.19
Rustichella d'Abruzzo S.p.A. (Rustichella)	3.19

Assessment Rate

Upon issuance of the final results, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If the weighted-average dumping margin for Indalco or Liguori is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis*. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review where applicable.

In accordance with the Department's "automatic assessment" practice, for entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States, we will instruct CBP to liquidate

unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 15.45 percent, the all-others rate established in the antidumping investigation as modified by the section 129 determination.⁷ These cash deposit requirements, when imposed, shall remain in effect until further notice.

⁷ See *Implementation of the Findings of the WTO Panel in US--Zeroing (EC): Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders*, 72 FR 25261 (May 4, 2007).

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.⁸ Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.⁹ Parties who submit comments are requested to submit: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.¹⁰ Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.¹¹ Parties should confirm by telephone the date, time, and location of the hearing.

⁸ See 19 CFR 351.224(b).

⁹ See 19 CFR 351.309(d).

¹⁰ See 19 CFR 351.310(c).

¹¹ See 19 CFR 351.310.

Unless the deadline is extended pursuant to section 751(a)(2)(B)(iv) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, within 120 days after issuance of these preliminary results.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and increase the subsequent assessment of the antidumping duties by the amount of antidumping duties reimbursed.

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 5, 2016.

Ronald Lorentzen
Acting Assistant Secretary
for Enforcement and Compliance

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